

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2711 - HB 2783

March 4, 2010

SUMMARY OF BILL: Enhances the penalty for domestic assault offenses to aggravated assault punishable as a Class D felony if a person recklessly commits an assault as defined in Tenn. Code Ann. § 39-13-101 and causes serious bodily injury to another or uses or displays a deadly weapon. Violation is punished as a Class C felony if a person intentionally or knowingly commits an assault as defined in Tenn. Code Ann. § 39-13-101 and causes serious bodily injury to another or uses or displays a deadly weapon. Domestic assault is currently punished as assault which can be either a Class A or Class B misdemeanor.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Not Significant

Increase State Expenditures - \$389,366,300/Incarceration*

Decrease Local Revenue – Not Significant

Decrease Local Expenditures – Not Significant

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 705 convictions of domestic assault in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 7,050 per year.
- The Department of Correction (DOC) estimates 75 percent (5,288) of the total misdemeanors would be elevated to a Class D felony in the first year as a result.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound growth of 11.78 percent over the next 10 years. Population growth will result in 558 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 5,846 offenders receiving a Class D felony.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class D felony is 1.96 years (715.89 days) at a cost of \$42,853.18 (\$59.86 x 715.89 days). The total additional cost for 5,846 offenders is \$250,519,690.28 (\$42,853.18 x 5,846).
- The remaining 1,762 offenders (7,050 – 5,288) would be elevated to a Class C felony in the first year as a result of this bill. Population growth will result in 186 additional offenders in the tenth year. The maximum cost in the tenth year is based on 1,948

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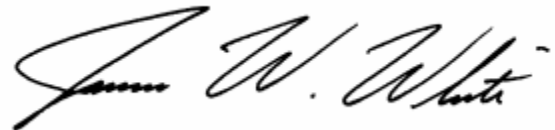
offenders. The average post-conviction time served for a Class C felony is 3.26 years (1,190.72 days) at a cost of \$71,276.50 (\$59.86 x 1,190.72 days). The total additional cost for 1,948 offenders is \$138,846,622 (\$71,276.50 x 1,948).

- Total additional operating cost for incarceration is \$389,366,312.28 (\$250,519,690.28 + \$138,846,622).
- A small decrease in misdemeanor cases in the court system, which will result in reduced state and local government expenditures for processing the misdemeanor cases and reduced state and local government revenue from fees, taxes and costs collected. These reductions in expenditures and revenue are estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of this bill.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc